

Aug 19, 2019

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

JESSICA ANN CUNNINGTON,
a/k/a Akoostik (1),

Defendant.

NO: 2:19-CR-127-RMP-1

PROTECTIVE ORDER

The Court has read and considered the United States' unopposed Motion for a Protective Order pursuant to 18 U.S.C. § 3509, regarding protecting the identities of minor children, with regard to Defendant Jessica Ann Cunningham (a/k/a "Akoostik1") ("Defendant"). ECF No. 21. The Court has also read the Government's Motion to Expedite the Court's consideration of the protective order. **ECF No. 22.** The motion to expedite is **granted**.

Good cause having been shown, the Court **grants** the parties' unopposed Motion for a Protective Order, **ECF No. 21. IT IS HEREBY ORDERED** that the privacy protection measures mandated by 18 U.S.C. § 3509(d) that apply when a

1 case involves a person under the age of eighteen years who is alleged to be a victim
2 of a crime of sexual exploitation, or a witness to a crime committed against another
3 person, apply to this case.

4 IT IS FURTHER ORDERED that all persons acting in this case in a capacity
5 described in 18 U.S.C. § 3509(d)(1)(B), shall:

- 6 1. Keep all documents that disclose the names, identities, or any other
7 information concerning children in a secure place to which no person
8 who does not have reason to know their contents has access;
- 9 2. Disclose such documents or the information in them that concerns
10 children only to persons who, by reason of their participation in the
11 proceeding, have reason to know such information;
- 12 3. Not permit Defendant herself to review the unredacted discovery
13 outside the presence of defense counsel or a defense investigator;
- 14 4. Not permit Defendant to keep any discovery in her own possession
15 outside the presence of defense counsel or a defense investigator; and
- 16 5. Not permit Defendant to keep, copy, or record the identities of any
17 child or victim identified in discovery in this case.

18 IT IS FURTHER ORDERED that all papers to be filed in Court that disclose
19 the names or any other information identifying or concerning children shall be filed
20 under seal without necessity of obtaining a Court order, and that the person who
21 makes the filing shall submit to the Clerk of the Court:

1. the complete paper to be kept under seal; and
2. the paper with the portions of it that disclose the names or other information identifying or concerning children redacted, to be placed in the public record.

IT IS FURTHER ORDERED that the parties and the witnesses shall not disclose children's names at pre-trial proceedings or at trial in this case. The parties shall prepare their witnesses and instruct them to refer to the alleged minor victims only by using agreed-upon initials or pseudonyms (e.g., "Victim A," "Victim B"), rather than their names, in opening statements, during the presentation of evidence, and in closing arguments.

IT IS SO ORDERED. The District Court Clerk is directed to enter this Order and provide copies to counsel.

DATED August 19, 2019.

s/ Rosanna Malouf Peterson
ROSANNA MALOUF PETERSON
United States District Judge